

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

MARVIN STOXSTELL  
Plaintiff,

§  
§  
§  
§  
§

VS.

C.A. 6:12CV357

UNION PACIFIC RAILWAY COMPANY  
Defendant.

§  
§

**UNOPPOSED MOTION TO DISMISS WITHOUT PREJUDICE**

Now respectfully comes Plaintiff, MARVIN STOXSTELL and files his Unopposed Motion to Dismiss Without Prejudice pursuant to the provisions of Rule 41 FRCP and would show the following:

1. Plaintiff filed this suit on June 1, 2012 under the Federal Employers' Liability Act (FELA), 45 U.S.C. §51 *et seq.* to recover damages for personal injuries sustained by Plaintiff while employed by Defendant and while engaged in interstate commerce.
2. Defendant, Union Pacific Railroad Company filed an answer July 30, 2012. Defendant has not filed any counter-claims in this matter.
3. Defendant is unopposed to Plaintiff's Motion to Dismiss without Prejudice and therefore would not be prejudiced by this dismissal.
4. Plaintiff seeks a dismissal so that Plaintiff can re-file this matter in State Court.

Plaintiff prays this court to grant Plaintiff's Unopposed Motion to Dismiss Without Prejudice to the re-filing of same.

Respectfully submitted,

**YOUNGDAHL & CITTI, P.C.**

*/s/ Ross Citti*

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**ATTORNEYS FOR PLAINTIFF  
MARVIN STOXSTELL**

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the above and foregoing instrument has been properly forwarded to counsel of record listed below pursuant to the Federal Rules of Civil Procedure on August 30, 2012.

*/s/ Ross Citti*

Ross Citti

cc: Mainess Gibson By Electronic Filing  
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